

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

May 11, 2007

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 06KD-236

KAUAI

Grant of Perpetual, Non-Exclusive Easement to Wayne Y. Tokashiki for Access and Utility Purposes, Kapaa Homesteads, 1st Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-33: 07.

APPLICANT:

Wayne Y. Tokashiki, Individual, Tenant in Severalty, whose mailing address is 6170 Kawaihau Road, Kapaa, Hawaii 96746.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kawaihau situated at Kapaa Homesteads, 1st Series, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-6-33: 7, as shown on the attached map labeled Exhibit A.

AREA:

200 sq. ft. ( 20' x 10').

ZONING:

State Land Use District:	Urban
County of Kauai CZO:	Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access and utility purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Not applicable. The applicant as a landowner is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine one-time payment; and
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

Applicant is the owner of TMK: (4) 4-6-033: 08. The State parcel identified as TMK: (4) 4-6-033: 07, lies between his parcel and Kawaihau Road.

Parcel 07 was a 20 feet wide railroad right-of way, which was reserved by the Territory of Hawaii when Land Patent Grant 7670 (Lot 168) was issue under the Special Homestead Agreement 1235 to Adeline Rodregues. Subsequently Lot 168 was subdivided in to seven parcels.

Mr. Wayne Tokashiki inherited this property from his parents. Upon refinancing, the mortgage company noticed that he doesn't have an easement thru the State land (Parcel 07) to his property. Our records show that Isei and Shizue Tokashiki did not request an easement for access and utility purposes..

The term, non-exclusive easement to Wayne Tokashiki will resolve his access problem to his property.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Comments were solicited from:

Department of Health: No Comments

Historic Preservation Division: No historic properties will be affected.

Office of Hawaiian Affairs: No Comments

County of Kauai, Planning Dept.: No Comments

County of Kauai, Dept. of Water: No objections


County of Kauai, Public Works Dept.: The applicant needs to be informed that a driveway approach permit is required prior to installation of the driveway approach with Kawaihau Road and the driveway approach will need to conform to County Standards.

RECOMMENDATION: That the Board:

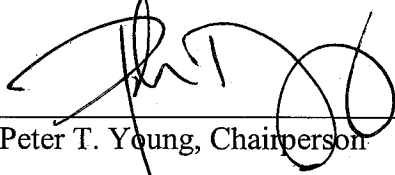
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

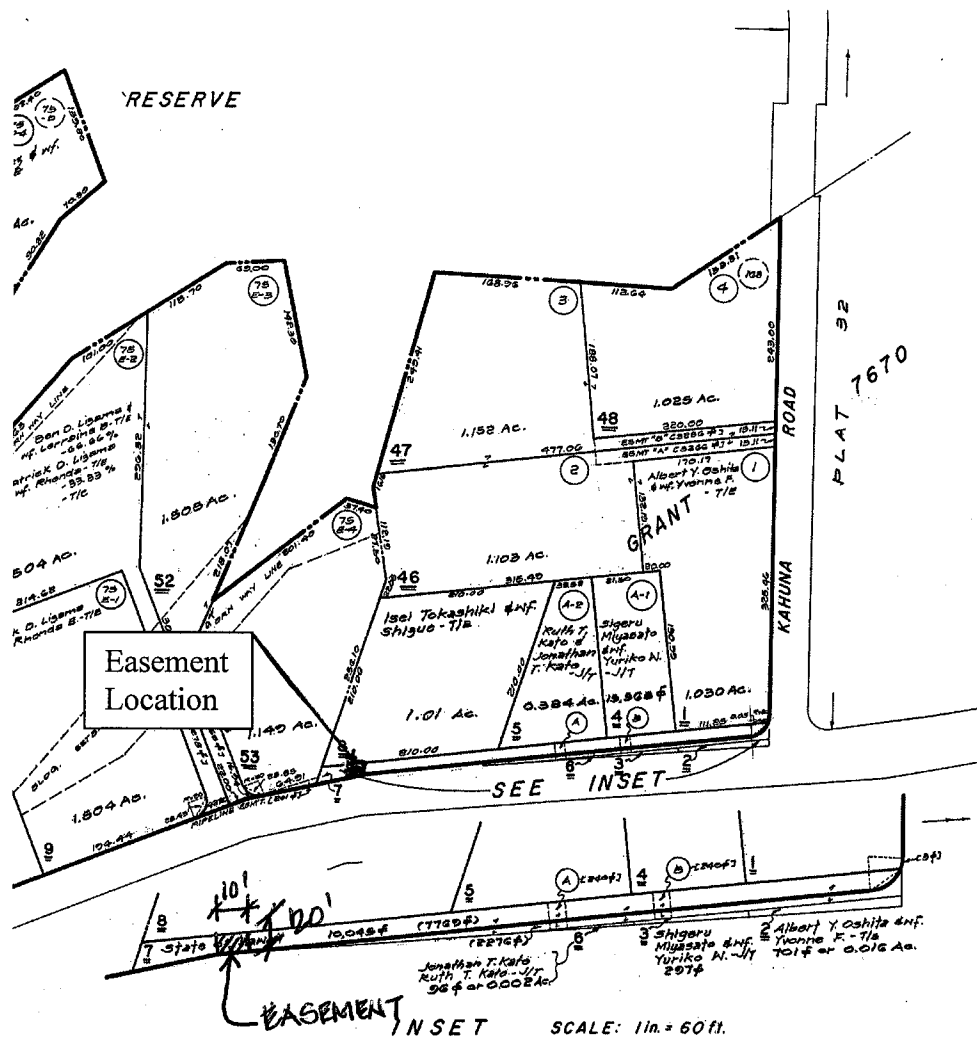
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Wayne Y. Tokashiki covering the subject area for access purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- A. The standard terms and conditions of the most current term easement document form, as may be amended from time to time;
  - B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (4) 4-6-033:08, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document;
  - C. Review and approval by the Department of the Attorney General; and
  - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
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Thomas H. Oi  
District Land Agent

APPROVED FOR SUBMITTAL:

  
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Peter T. Young, Chairperson



NOTE: Parcels 27, 28, 29 owned by George A. Sellencourt & wife Rosalie - T/A with James C. Bischoff, Jr. & wife Virginia R. - T/A & sub-N/A as shown

Dropped Parcels: 25, 26, 30, 31

FOR PROPERTY ASSESSMENT PURPOSES  
SUBJECT TO CHANGE

DEPARTMENT OF TAXATION PROPERTY TECHNICAL OFFICE TAX MAPS BRANCH STATE OF HAWAII		
TAX MAP		
FOURTH TAXATION DISTRICT		
ZONE	SEC.	PLAT
4	6	33
SCALE 1 IN. = AS NOTED		

EXHIBIT A